

REMARKS

Claims

The Examiner rejected claims 56-137. The Applicant notes that only claims 74-80 and 82 are pending in the case.

Claim 1 is further amended to bring it further within the scope of the Examples describe in the specification as filed at paragraph [0155] and Table 8. The limitation “5-50 μm ” derives from paragraph [0113]. The density limitation “0.930”, melt index limitation “10” and the molecular weight distribution “3.2” limitation derives from paragraph [0020]. The upper limit “5.85” limitation for molecular weight distribution derives from the Table 2 (Resin Properties), as the Applicant intends to claim the full scope of the demonstrated invention. The term “metallocene-catalyzed” comes from paragraph [0002] and the specification as a whole. This is commensurate in scope with the showing of unexpected results in Examples 6-10. No new matter is added.

Section 103 Rejections

The pending claims were rejected under 35 U.S.C. 103(a) as being unpatentable over *Lue et al.* (US 6,255,426) in view of *Miro* (US 6,132,827) and *Wong et al.* (US 6,358,457). The Applicant traverses. First, none of the prior art teaches a metallocene-catalyzed LLDPE film that is free of LDPE, thus a *prima facie* case of obviousness cannot be made. Second, there is a showing of unexpected results in the comparisons between the LDPE-free films and those that include LDPE.

First, a *prima facie* case is not made for at least the following reasons:

- *D. Abraham et al* at page 15 (1992) (attached IDS) clearly states that “[b]lends of low density polyethylene (LDPE) and linear low density polyethylene (LLDPE) are widely used for making films.”

- To make out a *prima facie* case of obviousness in light of *D. Abraham*, any one of *Lue*, *Miro* or *Wong* should specifically disclose a metallocene-catalyzed polyethylene where LDPE is absent. None of these references does so.
- *Miro* discloses the use of LDPE in LLDPE blends to improve characteristics.
- *Wong* discloses cast, tenter-stretched polypropylene. The Examiner's citing of *Wong* to show that the Applicant's disclosed Tensile Strengths are disclosed is not well taken.

One skilled in the art could not look to *Miro* or *Wong* for LDPE-free films as are claimed.

Second, the Applicant demonstrates unexpected results. From the prior art (see Fig. 3 of *D. Abraham et al* (1992), attached in an IDS) it is clear that the addition of LDPE to LLDPE will tend to decrease the Tensile Strength of the LLDPE. However, the data in Table 8 of the present Application clearly shows that even when LDPE is added, the Tensile Strength (expressed in its various forms) stays relatively constant. Thus, the Tensile Strength does not vary with LDPE content as expected. Also, the overall Tensile Strength is greater for the inventive resins than for the comparative Ziegler-based LLDPEs in Table 9, with or without LDPE.

Further, the data in Tables 8 and 9 show that with addition of LDPE to conventional or metallocene LLDPE, it is possible to increase the second yield point and the tensile stress at natural draw ratio values closer to the inventive films as shown in Table 8. However, the slope of the yield plateau remains flat or even negative for the comparative films, showing that the comparative films are disadvantageously susceptible to formation of "tiger stripes", overstretching, and possible breakage during stretching. Thus, absent the LDPE, the inventive metallocene-catalyzed LLDPE films are unexpectedly advantageous.

The Applicant thus requests that the current rejection be withdrawn, as the combination of *Lue*, *Miro* and *Wong* do not disclose the elements of Applicant's claimed subject matter and the Applicant shows an unexpected result, which would overcome a *prima facie* case of obviousness.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated. If necessary to affect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to affect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1712 (Docket #: 2002B117/2US).

Respectfully submitted,

Date: January 14, 2009

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